

Office Action Summary

Application No.

10/730,414

Applicant(s)

TEODOROVICH, MISHKO

Examiner

RYAN D. KWIECINSKI

Art Unit

3635

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-8, 10 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-8, 10 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/23/2008
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 3/17/2008
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 January 2008 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,371,188 B1 to Baczuk et al. in view of US 6,385,925 B1 to Wark.

Claim 1:

Baczuk et al. disclose a sill pan for a window or door comprising
a sill pan base (38, Fig.2) having a length and a width, the sill pan base comprising:

- a first end (left end, Fig.2),
- a second end (right end, Fig.2),
- a rear wall (48, Fig.2),
- a front flange (58, Fig.2),
- a lengthwise oriented rear sill support (50 towards the back, Fig.2),

and

- a lengthwise oriented front sill support (46, Fig.2), comprising a plurality of drain gaps (58,60, Fig.2),

- a first end piece (34, Fig.2) comprising:

- an end piece base having a top surface (surface showing in Fig.2),
 - a bottom surface (surface opposite), a first side edge (right side of 34, Fig.2), a second side edge (left edge, Fig.2), a rear edge (back wall of 34),
 - and a front edge (58, Fig.2), such that the end piece base is attachable to the sill pan base in the proximity of the first end of the sill pan base (Fig.2)

- a side upward lip (42, Fig.2) projecting from the top surface of the end piece base along the second side edge, the side upward lip extending from the front edge to the rear edge of the end piece base, and

- a front lip (58, Fig.1) projecting from the top surface of the end piece base along the front edge, the downwardly extending front lip extending from the first side edge to the second side edge of the end piece base; and

- a second end piece (36, Fig.2) comprising

an end piece base having a top surface, a bottom surface, a first side edge, a second side edge, a rear edge, and a front edge,

a side upward lip (44, Fig.2) projecting from the top surface of the end piece base along the second side edge, the side upward lip extending from the front edge to the rear edge of the end piece base, and

a front lip (58, Fig.2) projecting from the top surface of the end piece base along the front edge, the downwardly extending front lip extending from the first side edge to the second side edge of the end piece base.

Baczuk et al. do not disclose a sloped upper portion of the sill pan base nor do they disclose a downwardly extending front flange.

Wark disclose a sill pan base with a sloped upper portion as well as a downwardly extending front flange.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the sill base pan of Baczuk with a sloped upper portion in order to influence the water drained into the trough out of the drain gaps and to the exterior of the building. A sloped upper portion of a sill pan base is a well known way to cause water caught in the sill pan to exit the door frame system. It would have also been obvious to form the end pieces of Baczuk with downwardly extending front flanges in order to protect the seam between the rough frame of the door and sill pan base from water, dirt, and bugs. The downwardly extending

flange will ensure the water from the trough completely exits the door framing system and does not penetrate the framed opening through the gap between the connection of the pan to the opening.

Claim 4:

Baczuk et al. in view of Wark disclose the sill pan of claim 1, Baczuk et al. disclose that the base is constructed of a plastic (Column 5, lines 38-40).

Claim 8:

Baczuk et al. in view of Wark disclose the sill pan of claim 1, Baczuk et al. also discloses wherein the first end piece is glued (Column 9, lines 20-22) onto the first end of the sill pan base.

Claim 10:

Baczuk et al. disclose a method of manufacturing a sill pan comprising extruding a first sill pan base unit (Column 9, lines 1-5), the base unit comprising

- a first end (left of 38, Fig.2)
- a second end (right of 38, Fig.2)
- a rear wall (48, Fig.2),
- a front flange (58, Fig.2),
- a rear sill support (back row of 50, Fig.2), and
- a front sill support (46, Fig.2)

such that the rear support and the front support on the first sill pan base unit are lengthwise (run lengthwise of the base, Fig.2) in order to permit the first base unit to be manufactured by extrusion;

cutting the first sill pan base unit to a desired length (Column 9, lines 5-10);

affixing a first end element (Column 9, lines 20-22) to the first end of the sill pan base unit; and

affixing a second end element (34,36, Fig.2) to the second end of the sill pan base unit.

Baczuk et al. do not disclose a sloped upper portion of the sill pan base nor do they disclose a downwardly extending front flange.

Wark disclose a sill pan base with a sloped upper portion as well as a downwardly extending front flange.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the sill base pan of Baczuk with a sloped upper portion in order to influence the water drained into the trough out of the drain gaps and to the exterior of the building. A sloped upper portion of a sill pan base is a well known way to cause water caught in the sill pan to exit the door frame system. It would have also been obvious to form the end pieces of Baczuk with downwardly extending front flanges in order to protect the seam between the rough frame of the door and sill pan base from water, dirt, and bugs. The downwardly extending flange will ensure the water from the trough completely

exits the door framing system and does not penetrate the framed opening through the gap between the connection of the pan to the opening.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,371,188 B1 to Baczuk et al. in view of US 6,385,925 B1 to Wark in view of US 1,904,404 to Burk.

Claim 5:

Baczuk et al. in view of Wark disclose the sill pan of claim 1, they do not disclose wherein the sill pan base is constructed of a metal.

Burk discloses wherein the sill pan base is constructed of a metal (Column 2, line 100).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed Baczuk's window sill pan from a metal material taught by Burk because metals are a known material with properties such as strength, ductility, and weather resistance that are necessary for a framing member for an opening.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,371,188 B1 to Baczuk et al. in view of US 6,385,925 B1 to Wark in view of US 2004/0139667 A1 to Massey et al.

Claim 6:

Baczuk et al. in view of Wark discloses the sill pan of claim 1, but does not disclose that the first end piece snaps onto the first end of the base.

Massey et al. disclose that the first end piece snaps onto (Page 10, paragraph 135) the first end of the base.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed Baczuk's sill pan base with interlocking snap on parts as taught by Massey et al. in order to enable the pieces to be assembled and disassembled while holding a secure connection.

Claim 7:

Baczuk et al. in view of Wark in view of Massey et al. discloses the sill pan of claim 6, Massey et al. also discloses the first end piece includes at least one projecting portion (203, Fig.35); and

the first end of the base includes a slot (15, Fig.25) which accepts the projecting portion.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,371,188 B1 to Baczuk et al. in view of US 5,136,814 to Headrick.

Claim 18:

Baczuk et al. disclose a sill pan for a window or door comprising an extrudable (Column 9, lines 1-5) sill pan base (38, Fig.2) having a length and a width, the sill pan base comprising

- a first end (left side of 38),
- a second end (right side of 38),
- a rear wall (48, Fig.2),
- a rear sill support (5-, Fig.2), and
- a front sill support (46, Fig.2),

such that the rear sill support and the front sill support are oriented lengthwise on the sill pan base (runs lengthwise, Fig.2);

a first end piece (33, Fig.2), attachable to the sill pan base in the proximity of the first end of the sill pan base, the first end piece comprising

a second end piece (36, Fig.2) attachable to the sill pan base in the proximity of the second end of the sill pan base,

Baczuk et al. does not disclose a sloped upper portion nor do they disclose the structure of the end pieces.

Headrick disclose the structure of the end pieces comprising a horizontal tab (37, Fig.1) which may be inserted between the rear support and the front support, the horizontal tab having a top surface (37, Fig.1) aligned with the top surfaces of the rear support and the front support (when inserted in the frame

member 12, the top surface of 37 will align with the top surfaces of the support 22 and 27),

a recess (the indentation next to 41, Fig.1) for receiving and overlapping the first end of the rear wall,

a recess (the recess with side 43, Fig.1) for receiving the first end of the rear sill support, and

a recess (underneath 44, Fig.1, the front support is able to fit under 44) for receiving the first end of the front sill support.

The second end piece is rejected with the same explanation as the first end piece above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the sill base pan of Baczuk with a sloped upper portion in order to influence the water drained into the trough out of the drain gaps and to the exterior of the building. A sloped upper portion of a sill pan base is a well known way to cause water caught in the sill pan to exit the door frame system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the end pieces of the sill pan base of Baczuk et al. with interlocking tabs and recesses in order to provide an attachable end piece member. Being able to interlock the end pieces to the base will shorten the assembly time of the sill pan member. Interlocking end pieces will also allow the individual pieces to be replaced if necessary due to structural damage etc. Snap

fit and interlocking connections are notoriously well known connection methods and would make the sill pan more user friendly during installation.

Claim 19:

Baczuk et al. in view of Headrick disclose the sill pan of claim 18, Headrick also discloses wherein the horizontal tab of the first end piece is tapered (37, Fig.1).

Claim 20:

Baczuk et al. in view of Headrick disclose the sill pan of claim 18, Headrick also discloses further comprising

a front flange (21, Fig.1) projecting downwardly from the front of the extrudable sill pan base (12, Fig.1);

a recess (the front flange is able to fit underneath 44, Fig.1) in the first end piece for receiving a first end of the front flange; and

a recess (the front flange is able to fit underneath 44, Fig.1) in the second end piece for receiving a second end of the front flange.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-8, 10, and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN D. KWIECINSKI whose telephone number is (571)272-5160. The examiner can normally be reached on Monday - Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571)272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDK
/Ryan D Kwiecinski/
Examiner, Art Unit 3635

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Supervisory Patent Examiner, Art Unit 3635